Appl. No. 10/687,845
Docket No. CM2526C
Amdt. dated November 17, 2006
Reply to Office Action mailed on October 25, 2006
Customer No. 27752

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Canceled)

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Canceled)

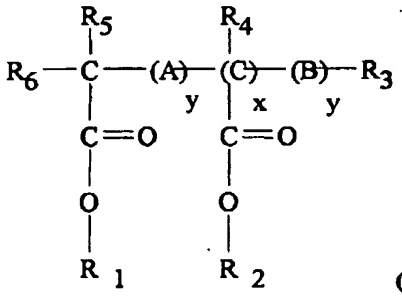
6. (Canceled)

7. (Canceled)

8. (Canceled)

9. (Canceled)

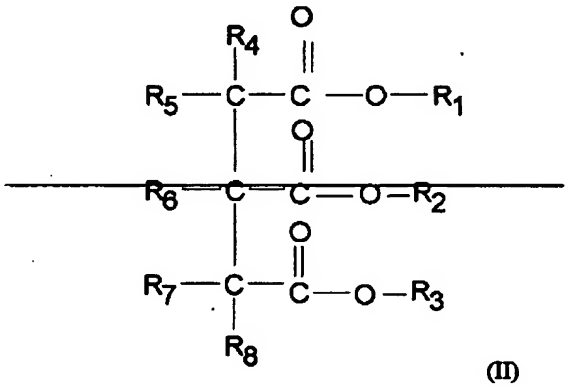
10. (Currently Amended) A hygienic article comprising a composition comprising a cooling agent together with an ester derivative of the following formula:



(I)

wherein R_1 and R_2 are independently an alkyl, alkenyl, arylalkyl, hydroxyalkyl, alkoxy groups of from about 2 to about 24 carbon atoms, hydroxy group or hydrogen group; R_3, R_4, R_5, and R_6 are independently an alkyl, alkenyl, arylalkyl, hydroxyalkyl, alkoxy groups of from about 1 to about 24 carbon atoms, hydroxy group or hydrogen group; A and B are independently a C_1-C_6 linear or branched alkylene, alkyl, alkenylene, alkoxylene, alkoxyl, hydroxyalkylene, hydroxyalkyl groups; the values of x are independently from 0 to about 15; the values of y are independently 0 or 1.[[,]]

~~or~~



(II)

~~wherein R_1, R_2 and R_3 are independently an acyl, alkyl or alkenyl or hydroxyalkyl group with from about 1 to about 22 carbon atoms, and R_4, R_5, R_6, R_7 and R_8 are independently selected from the group consisting of C_1-C_{10} linear or branched alkyl, acyl, alkenyl, hydroxyalkyl or alkoxy groups, hydroxy, chloride, bromide, amino or hydrogen, or mixture thereof..~~

11. (Previously Presented) A hygienic article according to claim 10, wherein said hygienic article is a clothing, bandage, thermal pad, acne pad, cold pad, compress, surgical pad/dressing, protective bedding cover, gloves, socks, perspiration pad, shoe insole, shirt insert, animal litter, panty liner, feminine napkin, incontinent pad, diaper, tampon, interlabial pad, breast pad, dry or wet wipe or human or animal waste management device.

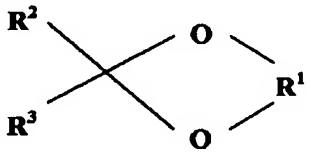
12. (Previously Presented) A hygienic article according to Claim 10, wherein said hygienic article is a disposable absorbent article, wherein said hygienic article comprises a topsheet containing the composition according to claim 10.

13. (Previously Presented) The hygienic article according to Claim 10, wherein the cooling agent is able to convey a freshness sensation, without the need to modify temperature of the skin/mucosal surface of the mammal body to which the composition is applied.

14. (Previously Presented) The hygienic article according to claim 13, wherein the cooling agent is selected from the group consisting of ketals, carboxamides, cyclohexyl derivatives, cyclohexanol derivatives, borneol, camphor, eucalyptol, methyl salicylate, tea tree oil, eucalyptus oil, peppermint oil and mixtures thereof.

15. (Previously Presented) The hygienic article according to claim 13, wherein the cooling agent is selected from the group consisting of:

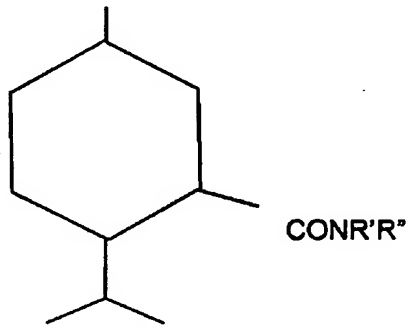
- a ketal according to the following formula:



in which R^1 represents a C_2 -C_6 -alkylene radical having at least 1, but not more than 3, hydroxyl group(s), preferably 1 hydroxyl group, and either R^2 and R^3 independently of one another represent C_1-C_{10} -alkyl which is optionally substituted by 1 to 3 radicals selected from the group comprising hydroxyl, amino and halogen (such as fluorine, chlorine, bromine or iodine), C_5-C_7 -cycloalkyl, preferably cyclohexyl, C_6 –C_{12} -aryl, preferably phenyl, with the proviso that the total of the C atoms of R^2 and R^3 is not less than 3, or R^2 and R^3 together represent an alkylene radical which, together with the carbon atom which carries the radicals R^2 and R^3 ,

forms a 5-7-membered ring, it being possible for this alkylene radical, in turn, to be substituted by C_1 -C_6 -aklyl groups, or mixtures thereof;

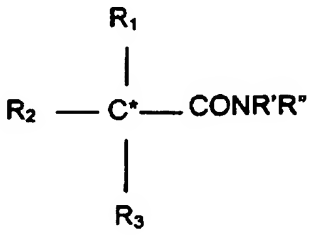
- or a carboxamide of the following formula:



(a)

wherein R', when taken separately, is hydrogen or an aliphatic radical containing up to about 25 carbon atoms; R" when taken separately is hydroxy, or an aliphatic radical containing up to about 25 carbon atoms, with the proviso that when R' is hydrogen R" may also be an aryl radical of up to about 10 carbon atoms and selected from the group consisting of substituted phenyl, phenalkyl or substituted phenalkyl, naphthyl and substituted naphthyl, pyridyl; and R' and R", when taken together with the nitrogen atom to which they are attached, represent a cyclic or heterocyclic group of up to about 25 carbon atoms, or mixtures thereof,

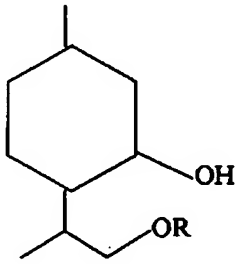
or (b)



wherein R' and R", when taken separately, are each hydrogen, C_1-C_5 alkyl or C_1-C_8 hydroxyalkyl and provide a total of no more than about 8 carbon atoms, with the proviso that when R' is hydrogen R" may also be alkylcarboxyalkyl of up to 6 carbon atoms; R' and R", when taken together, represent an alkylene group of up to about 6 carbon atoms, the opposite ends of which group are attached to the amide nitrogen atom thereby to form a nitrogen heterocycle, the carbon chain of which may optionally be interrupted by oxygen; R_1 is hydrogen or C_1-C_5 alkyl; and R_2 and R_3 are each C_1-C_5 alkyl; with the provisos that (i) R_1 , R_2 and R_3 together provide a total of at least 5 carbon atoms, preferably from about 5-10 carbon atoms; and (ii) when R_1 is hydrogen, R_2 is C_2 -C_5 alkyl and R_3 is C_3-C_5 alkyl and at least one of R_2 and R_3 is branched, preferably in an alpha or beta position relative to the carbon atom marked (*) in the formula, or a mixture thereof;

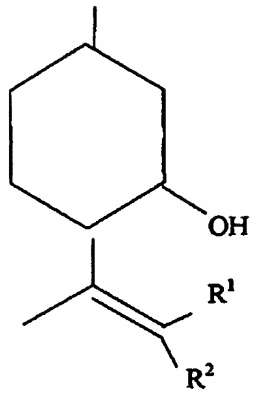
- or a cyclohexanol derivative according to the following general formula:

(1)



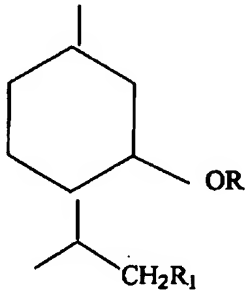
wherein R represents a linear or branched alkyl group having about 1 to about 5 carbon atoms, or mixtures thereof,

or (2)



wherein R^1 and R^2 are independently hydrogen, or a linear or branched alkyl group having about 1 to about 5 carbon atom, or mixtures thereof;

- or a cyclohexyl derivative according to the following general formula

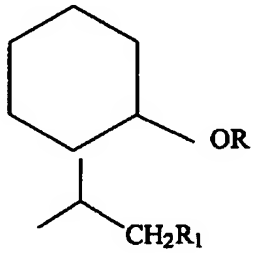


wherein R represents –H, a C_1-C_5 linear or branched alkyl group, a C_1-C_5 alkenyl group, a C_1-C_5 alkoxy group or a C_1-C_5 acyloxy group, R_1 represents –H, or a linear or branched alkyl group having from about 1 to about 5 carbon atoms, or mixtures thereof;

- or a mixture thereof.

16. (Previously Presented) The hygienic article according to claim 13, wherein the cooling agent is (a) menthol and/or peppermint oil in combination with (b) a second cooling agent typically selected from the group consisting of ketals, carboxamides, cyclohexyl derivatives with the exception of menthol, cyclohexanol derivatives and mixtures thereof.

17. (Previously Presented) The hygienic article according to claim 16, wherein the second cooling agent is a cyclohexyl derivative according to following formula:



wherein R represents –H, a C_1-C_5 linear or branched alkyl group, a C_1-C_5 alkenyl group, a C_1-C_5 alkoxy group or a C_1-C_5 acyloxy group, R_1 represents –H, or a linear or branched alkyl group having from about 1 to about 5 carbon atoms, with the exception of R and R_1 both being hydrogen, or mixtures thereof, and preferably is menthyl lactate, typically in a weight ratio of (a) to (b) from 1/1 to 1/100.

18. (Previously Presented) The hygienic article according to claim 10, wherein the ester derivative is according to formulae (II) and preferably is triethyl citrate, acetyl tributyl citrate and/or triacetyl citrate.

19. (Previously Presented) The hygienic article according to claim 10, wherein the cooling agent or a mixture thereof is present at a level of about 0.1% to about 99.9% and wherein the ester derivative or a mixture thereof is present at a level of from 99.9% to 0.1%, by weight of the total composition.

20. (Previously Presented) The hygienic article according to claim 10, wherein said composition is suitable for topical application to the external surface of a mammal in the form of a cream, lotion, emulsion, dispersion, gel, foam, oil, ointment or powder.

REMARKS

Claim Status

Claims 10-20 are pending in the present application. No additional claims fee is believed to be due.

Claim 10 is amended by deleting reference to Class II esters.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Office Action States that Claims 14 and 16 are rejected under 35 U.S.C. § 112, Second Paragraph. The Office Action states that it is unclear if the cyclohexyl derivatives and cyclohexanol derivatives are functional derivatives or structural derivatives. The cyclohexyl derivatives and cyclohexanol derivatives are structural derivatives, examples of which are disclosed in the specification (see e.g. Page 14, Line 30 to Page 19 Line 15).

Rejection Under 35 U.S.C. § 103(a) Over Williams (US Patent No. 6,506,958) in View of Hasegawa et al. (US Patent No. 5,364,626)

Claims 10-18 were rejected under 35 U.S.C. § 103(a) over Williams (US Patent No. 6,506,958) in view of Hasegawa et al. (US Patent No. 5,364,626). Claim 10 is amended to delete the reference to Class II esters. The Applicants submit that Claim 10 is allowable over the references because Williams in view of Hasegawa et al., as cited, do not teach or suggest esters denoted as Class I. The Applicants respectfully request that Claim 10 be allowed.

Claims 11-18 depend upon Claim 10. Because Claims 11-20 depend upon Claim 10, the Applicants submit that Claims 11-20 are also allowable. The Applicants respectfully request that Claims 11-20 be allowed.